

1
2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF NORTH CAROLINA
4 WESTERN DIVISION
5 5:14-CR-00058-FL2

6 UNITED STATES OF AMERICA, .
7 .
8 . OCTOBER 16, 2014
9 VS. . NEW BERN, NORTH CAROLINA
10 .
11 AKBA JIHAD JORDAN, .
12 .
13 DEFENDANT. .
14

15 * * * * *

16 ARRaignMENT HEARING
17 BEFORE THE HONORABLE ROBERT B. JONES, JR.
18 UNITED STATES MAGISTRATE JUDGE PRESIDING

19 APPEARANCES OF COUNSEL:

20 FOR THE GOVERNMENT - MR. JASON M. KELLHOFER
21 ASSISTANT UNITED STATES ATTORNEY
22 UNITED STATES ATTORNEY'S OFFICE
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24 RALEIGH, NORTH CAROLINA 27601

25 FOR THE DEFENDANT - MR. ROBERT HOOD HALE, JR.
ROBERT H. HALE, JR. & ASSOCIATES
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Proceedings recorded by stenomask, transcript produced from dictation.

P R O C E E D I N G S

JUNE 16, 2014

(ON THE RECORD AT 1:58 P.M.)

THE COURT: I'm now going to issue the Advice of Rights to those defendants appearing before The Court this morning for arraignment. I ask each defendant appearing before The Court to listen carefully to the following information. This information will be an important part of your case, and you may be called upon today to make decisions based on this information. I now advise each defendant as follows.

You are here because a Bill of Indictment has been returned against you by the Grand Jury or the United States Attorney has filed a Criminal Information charging you with the violation of one or more Federal Criminal Laws. You have certain rights are related to these charges, and I'm going to explain those rights to you.

As explained to you at your initial appearance, you have the right to remain silent. You have the right to be represented by counsel and, if necessary, to have The Court appoint counsel to represent you in your case, including at trial.

You have the right to a trial by jury, and at such a trial you are presumed to be innocent. You do not have to prove anything. Instead, the burden is upon the

1 Government through its attorneys and agents to prove you
2 guilty by competent evidence and beyond a reasonable doubt.
3 The method for the Government to do this is to call its
4 witnesses who would testify under oath, in front of you, in
5 front of a jury, and in front of the presiding district
6 judge. You, through your lawyer, will then have the right to
7 cross-examine those witnesses and to object to any evidence
8 you deem to be legally improper.

9 You would also have the right to use the
10 subpoena power of this court to bring to court witnesses who
11 may be favorable to you, and to have these witnesses testify
12 under oath. You also may elect to take the witness stand to
13 testify under oath, but only if you wish to do so. No one
14 can force you to take the witness stand and testify if you do
15 not want to. If you choose not to testify, the fact that you
16 do not testify cannot be held against you, and the District
17 Judge will instruct the jury accordingly.

18 If you plead guilty to an offense this morning,
19 you will waive your right to a trial by jury and the rights
20 that I've just mentioned, other than your right to an
21 attorney.

22 You also will have to waive your right not to
23 incriminate yourself, because I cannot accept your plea of
24 guilty as to a particular offense or offenses unless you
25 admit in open court you're guilty as to that particular

1 offense or offenses.

2 By pleading guilty to a felony offense or being
3 convicted by a jury and adjudicated guilty of a felony
4 offense, whether that is by a Bill of Indictment or a
5 Criminal Information, you may lose certain valuable civil
6 rights, such as the right to possess any kind of firearm, the
7 right to serve on a jury, the right to hold public office and
8 the right to vote.

9 If you plead guilty or are found guilty at
10 trial, you may be ordered to make restitution in money or
11 services to the victims of your crime, if they are
12 identifiable. In certain cases, you may be required to
13 forfeit property to the United States Government.

14 If your offense involved fraud, you may be
15 required to provide notice of your conviction to the victims
16 of your crime. In addition, if you are not a United States
17 citizen, your immigration status may be adversely affected
18 and you may be subject to deportation, exclusion or voluntary
19 departure and prevented from obtaining United States
20 citizenship.

21 If you are charged with a sex crime, a
22 conviction may result in substantial future restriction on
23 where you may live or work, and with whom you may associate.
24 In addition, at the conclusion of any sentence that is
25 imposed, you may be subject to civil commitment as a sexually

1 dangerous person.

2 As required by the law, a special assessment of
3 \$100 for each felony offense or counts to which you plead
4 guilty or are found guilty at trial will be imposed against
5 you. This special assessment of \$100 per count will be in
6 addition to and on top of any fine that may also be imposed.

7 You may be given a term of supervised release
8 following any actual term of incarceration that is imposed.
9 Supervised release is similar to what you may know as
10 probation. The term of supervised release in each individual
11 case can range anywhere from one year up to life, based upon
12 your individual criminal history and the offense. Supervised
13 release would require you to report to your assigned
14 probation officer from time to time, and to comply with any
15 court imposed or directed instructions. If you violate
16 supervised release conditions, you may be required to serve
17 an additional time of incarceration.

18 The United States Sentencing Commission has
19 established advisory guideline ranges for all Federal crimes.
20 Although the District Judge is no longer required to
21 specifically follow the guidelines in sentencing you, he or
22 she is required to calculate the advisory guideline for your
23 offense or offenses. The District Judge will then consider
24 that guideline range, as well as other relevant factors as
25 set forth in 18 USC Section 3553A before imposing a sentence.

1 The District Judge has the authority in some
2 circumstances to depart upward or downward from that advisory
3 guideline range, and the District Judge will also examine
4 other statutory sentencing factors under 18 USC Section 3553A
5 that may result in a sentence that is either greater or less
6 than the advisory guideline sentence. If the District Judge
7 imposes a sentence outside the guideline range, he or she is
8 required to explain on the record at the time of sentencing
9 his or her reasons for imposing a sentence outside the
10 guidelines.

11 Under some circumstances you may have the right
12 to appeal your sentence, even though you pled guilty to the
13 underlying crime. However, if you have waived the right to
14 appeal your sentence in a plea agreement with the United
15 States, that agreement may be binding upon you.

16 You need to understand that parole has been
17 abolished in the United States Court System, so if you
18 receive a sentence which includes an active term of
19 incarceration, you will not receive parole.

20 Regarding plea agreements, you should know that
21 The Court is not a party to a Plea Agreement and does not
22 participate in the plea agreement negotiations. However, The
23 Court is obligated to examine carefully any plea agreement
24 with the Government to be sure that the agreement conforms to
25 the objective of sentencing. The standards of acceptance of

1 plea agreements include those stated in Rule 11 of the
2 Federal Rules of Criminal Procedure, which provides in part
3 as follows.

4 In one type of plea agreement, the Government
5 recommends or agrees not to oppose the defendant's request
6 that a particular sentence or sentencing range is
7 appropriate, or that a particular provision of the Sentencing
8 Guidelines or policy statement or sentencing factor does or
9 does not apply. To the extent that a plea agreement is of
10 this type, if The Court accepts the agreement, the
11 recommendation or request is not binding on The Court.

12 If The Court does not follow the recommendation
13 or request, the defendant has no right to withdraw his or her
14 guilty plea. On the other hand, there may be plea agreements
15 in which The Government agrees not to bring or will seek
16 dismissal of other charges on which the Government agrees
17 that a specific sentence or sentencing range is the
18 appropriate disposition of the case, or that a particular
19 provision of the Sentencing Guidelines or policy statement or
20 sentencing factor does or does not apply.

21 To the extent that a plea agreement is of this
22 type, if The Court accepts the agreement, then such agreed
23 upon terms are binding on The Court, and the agreed upon
24 disposition will be included in the judgment, the United
25 States Plea Agreement provides otherwise.

1 If The Court does not accept this type of plea
2 agreement where there is a binding agreed upon disposition,
3 the defendant will be given an opportunity to withdraw his or
4 her plea. If the plea is not withdrawn, The Court is not
5 required to follow the plea agreement and may dispose of the
6 case less favorably than the plea agreement contemplated.

7 A written pre-sentence report will be prepared
8 by the probation office to assist the District Judge in
9 sentencing. You will be asked to give information for this
10 report, and you are entitled to have your attorney present
11 during the interview. It is important that the pre-sentence
12 report be accurate because it will likely determine your
13 punishment range.

14 After that report has been prepared, you and
15 your attorney will have an opportunity to review that report
16 and to object to any aspects of the report you believe are
17 inaccurate. Any objections to the pre-sentence report must
18 be made in writing on a timely basis. If you do not contest
19 the facts set forth in the pre-sentence report, and The
20 Court's independent findings coincide with those facts, those
21 facts will be accepted by The Court as correct, and will be
22 relied upon in determining the guidelines applicable to your
23 case.

24 If a party seeks to advocate for a sentence
25 which varies from the sentencing guidelines, that party shall

1 file a written memorandum advocating that position and serve
2 a courtesy copy on the probation officer who authored the
3 pre-sentence report.

4 At the time of sentencing, you and your attorney
5 will be afforded an opportunity to speak to The Court and to
6 argue for a sentence that you and your attorney feel is
7 appropriate under 18 USC Section 3553A. Judge Flanagan does
8 not permit oral testimony in the nature of character evidence
9 at the sentencing hearing, but in lieu thereof she will be
10 happy to receive from your attorney written sentencing
11 memoranda or character letters, all of which should be
12 furnished to Judge Flanagan so that they are received at
13 least one week, seven days, prior to the date you are
14 scheduled to be sentenced.

15 Finally, if there are victims of the offenses
16 for which you are to be sentenced, these victims will be
17 given an opportunity to be heard at that sentencing hearing.
18 That concludes the explanation of your rights.

19 THE CLERK: The Court calls the following case
20 for arraignment, United States of America versus Akba Jihad
21 Jordan, Court File Number 5:14-cr-58-FL Defendant 2.

22 (THE DEFENDANT WAS AFFIRMED.)

23 THE COURT: Alright, Mr. Jordan, I've got in my
24 hands here a document in your case. This document is
25 entitled Consent To Proceed Before A United States Magistrate

1 Judge. This document appears to be signed by you as well as
2 your attorney, and representatives from the U.S. Attorney's
3 Office. Mr. Jordan, sir, did you sign this document?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: And Mr. Jordan, sir, is it your
6 knowing and voluntary desire that for the purpose of
7 conducting your arraignment today and taking your plea that
8 these proceedings may be conducted before me, as a U.S.
9 Magistrate Judge?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: Thank you. You can have a seat.
12 Okay, Mr. Jordan, sir, do you understand that you are now
13 under oath, and that if you answer any of my questions
14 falsely that your answers may later be used against you in a
15 separate prosecution for perjury or making a false statement?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: Mr. Jordan, sir, what is your full
18 name?

19 THE DEFENDANT: My name is Akba Jihad Jordan.

20 THE COURT: And Mr. Jordan, sir, how old are
21 you?

22 THE DEFENDANT: I am current 22 years old.

23 THE COURT: And how far did you go in school?

24 THE DEFENDANT: Made it to my junior year.

25 THE COURT: In college?

1 THE DEFENDANT: College.

2 THE COURT: College?

3 THE DEFENDANT: Yes, college.

4 THE COURT: Okay. Are you able to speak and
5 understand English?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Yes, sir.

8 THE DEFENDANT: Are you currently or have you
9 recently been under the care of a physician or psychiatrist
10 or been hospitalized or treated for narcotics addiction?

11 THE DEFENDANT: No, sir.

12 THE COURT: Have you taken any drugs, medicine,
13 pills, or had any alcoholic beverages in the past 24 hours?

14 THE DEFENDANT: No, sir.

15 THE COURT: Have you been furnished, Mr. Jordan,
16 with a copy of the charges that have been filed against you
17 in this case?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Okay. And have you fully discussed
20 those charges and your case in general with your attorney?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Mr. Jordan, do you understand those
23 charges that have been filed against you in this case?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: And do you understand what's

1 happening this afternoon?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: Okay. Now Mr. Hale, sir, have you
4 had any difficulty in communicating with Mr. Jordan, or do
5 you have a reason to doubt his mental competency?

6 MR. HALE: No, Your Honor.

7 THE COURT: Alright. Does the U.S. Attorney's
8 Office have any reason to doubt Mr. Jordan's mental
9 competency in this case?

10 MR. KELLHOFER: No, Your Honor.

11 THE COURT: Let the record reflect The Court
12 finds as a fact that the defendant, Akba Jihad Jordan, is
13 competent to appear, to understand the nature of these
14 proceedings, and to ultimately plead in these matters.

15 Now Mr. Jordan, sir, have you had the time to
16 and have you in fact discussed your case with your attorney?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: Are you satisfied with Mr. Hale's
19 advice and counsel to you in this case?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: Now Mr. Jordan, sir, did you hear
22 and understand my explanation of your rights this afternoon?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: Did you understand my general
25 explanation of how you might be sentenced?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: Mr. Jordan, you received a copy of
3 the Indictment in your case charging you with one count, did
4 you not?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: And do you understand what you're
7 charged with in that Indictment?

8 THE DEFENDANT: Yes. Yes, Your Honor.

9 THE COURT: Okay. Do you want me to read that
10 indictment to you aloud, or do you waive the reading of it?

11 THE DEFENDANT: I'll waive.

12 THE COURT: Okay. I am, however, required to
13 remind you of the statutory maximum penalty, not the
14 guidelines that I spoke of earlier, but the statutory maximum
15 penalty regarding the count that you face. Mr. Kellhofer,
16 could you remind Mr. Jordan as to the statutory maximum
17 penalty regarding the charge filed against him in the
18 indictment?

19 MR. KELLHOFER: Yes, Your Honor. With regard to
20 the one-count indictment involving a charge of 18 USC Section
21 2339A, the defendant faces maximum charge, potential charge
22 of 15 years imprisonment, \$250,000 fine, three years
23 supervised release, two years imprisonment upon revocation of
24 supervised release, and a \$100 special assessment.

25 THE COURT: Okay. Now Mr. Jordan, do you

1 understand the charge that's been filed against you in this
2 case, as well as the maximum punishment you face if convicted
3 of that charge?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: Okay. There appears to be a Plea
6 Agreement in this case. Let me ask counsel, Mr. Hale, were
7 all formal plea offers by the Government conveyed to the
8 defendant in this case?

9 MR. HALE: Yes, they were, Your Honor.

10 THE COURT: Mr. Jordan, I have been provided a
11 seven-page document which appears to be signed by you, by Mr.
12 Hale, your attorney, as well as a representative from the
13 U.S. Attorney's Office. It appears also from this document
14 that it's your intention to plead guilty to the single count
15 indictment in this case. Now Mr. Jordan, sir, did you sign
16 this document?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: And is it your intention to plead
19 guilty to the single charge contained in the indictment?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: Let me ask you a few questions
22 regarding that. Have you had an opportunity, Mr. Jordan, to
23 read and to discuss this plea agreement with your attorney,
24 and did you in fact do so before you signed it?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: Now Mr. Jordan, does this plea
2 agreement represent in its entirety any and all agreements
3 that you have with the United States and U.S. Attorney?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: Okay. Did you understand, Mr.
6 Jordan, the terms, language, the words, the sentences, even
7 any legal phrases that are used in this plea agreement after
8 you discussed it with Mr. Hale?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: Mr. Jordan, do you understand that
11 be entering into this plea agreement and entering a plea of
12 guilty that you will have waived or given up your right to
13 appeal or to collaterally attack all or a part of your
14 sentence?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: And Mr. Jordan, has anyone made any
17 other or different promises to you to get you to plead guilty
18 in this case, other than what is contained in the plea
19 agreement?

20 THE DEFENDANT: No, Your Honor.

21 THE COURT: Has anyone threatened you in any way
22 to persuade you to either accept the plea agreement or to
23 plead guilty in this case?

24 THE DEFENDANT: No, Your Honor.

25 THE COURT: Okay. Now Mr. Jordan, sir, are you

1 pleading guilty of your own free will, because you are in
2 fact guilty?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: Mr. Jordan, do you understand that
5 the offense to which you are pleading guilty is a felony
6 offense, that if your plea is accepted, you will be found
7 guilty of that offense, and that that may deprive you of
8 valuable civil rights, such as the right to vote, the right
9 to hold public office, to serve on a jury, and to possess a
10 firearm?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: Do you understand that if you are
13 not a citizen of the United States, that in addition to other
14 possible penalties that you face, a plea of guilty may
15 subject you to deportation, exclusion or voluntary departure,
16 and prevent you from obtaining United States citizenship?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: Mr. Jordan, do you understand that
19 if I accept your plea of guilty today that you may not be
20 able to withdraw your plea and have a trial in this case?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: And Mr. Jordan, sir, have you
23 answered all my questions truthfully?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: Do you need any more time to think

1 about your plea or to discuss your case with Mr. Hale before
2 entering a plea?

3 THE DEFENDANT: No, Your Honor.

4 THE COURT: Okay. Now Mr. Jordan, sir, how to
5 you plead to the charge contained in the indictment?

6 THE DEFENDANT: Guilty, Your Honor.

7 THE COURT: Mr. Jordan, did you, as the
8 Government has alleged in the one-count indictment, did you
9 beginning on a date no later than in or about May 2013 and
10 continuing until on or about March 19, 2014, in the Eastern
11 District of North Carolina and elsewhere knowingly conspire,
12 combine, confederate and agree with others to provide
13 material support and resources as defined in Title 18 USC
14 Section 2339AB, including training personnel and currency and
15 to conceal and disguise the nature, location, source and
16 ownership of such material support and resources, knowing and
17 intending that they were to be used in preparation for and in
18 carrying out a violation of Title 18 USC Section 956A, that
19 is a conspiracy to commit at places outside the United States
20 acts that would constitute the offense of murder and maiming
21 if committed in the special maritime and territorial
22 jurisdiction of the United States with one of the
23 conspirators committing an act within the jurisdiction of the
24 United States to effect an object of the conspiracy all in
25 violation of Title 18 USC Section 2339A; did you do all of

1 that?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: Alright, thank you. You may have a
4 seat. Would the Government please provide The Court a
5 factual basis supportive of Mr. Jordan's plea of guilty to
6 the single-count indictment, telling The Court what the
7 Government believes it could prove at a trial in this case?

8 MR. KELLHOFER: Yes, Your Honor. If required,
9 the Government would support its case beyond a reasonable
10 doubt through a variety of different pieces of information
11 and evidence. The evidence would primarily consist or come
12 in through the testimony of human sources, as well as agents
13 of the FBI, in addition to recordings of Defendant Jordan in
14 communication with the individual he's been charged as
15 conspiring with, a Defendant Brown, as well as materials
16 obtained through search warrants.

17 Essentially, Your Honor, in this case the case
18 began with an investigation focused on a Defendant Brown.
19 Defendant Brown had reached out over the Internet to a FBI
20 source and had requested assistance in traveling overseas for
21 what he termed as Visa Vila, which essentially in the context
22 meant to assist certain organizations overseas engaged in
23 violence, primarily organizations which have been designated
24 as terrorist organizations.

25 As a result of that investigation into Brown,

1 further communications took place, and Brown informed the
2 confidential human source that he had brothers or other
3 individuals who were interested, as well, in traveling
4 overseas to engage in battle.

5 Through the investigation, one of those
6 individuals was recognized as Defendant Jordan. It appeared
7 that Defendant Jordan and Defendant Brown knew each other
8 from attending college.

9 A human source began to assist on the case and
10 take recordings while meeting with both Defendant Brown and
11 Defendant Jordan, and within those recordings, between May of
12 2013 and March of 2014, here in the Eastern District of North
13 Carolina a number of things became clear and took place.

14 Defendant Jordan stated a number of times in
15 communications with Defendant Brown that it was a desire to
16 travel to either Yemen or Syria to engage in what they termed
17 as jihad, and which they later defined as battle. Defendant
18 Brown has since pled guilty and additionally would be a
19 witness should the Government require it, in a case against
20 Defendant Jordan.

21 The specific desire was to join certain groups.
22 Those groups were listed as a AQUAP, which is the Al Queada
23 in the Arabian Peninsula. Jibaht Al Nusra, known as JAN,
24 ISIS, know as the Islamic State in Iraq, and Sham, or Syria.
25 They specifically ruled out other groups, Your Honor, such as

1 the FSA, the Free Syrian Army, their reason being that the
2 desire ultimately was to join these groups to engage in
3 battle and per their ideology establish what is known as a
4 Khilafat, or a rule of Muslim rule, that the desire was to
5 begin in Syria and to move beyond Syria to what they
6 considered all of the Muslim Middle East.

7 During this time, Defendant Jordan specifically
8 assisted in training by virtue of assisting both Brown and
9 others in physical fitness, as well as weapons training.
10 Defendant Jordan at his home had an AK47, as well as many 14
11 -- and at least at one point displayed how to break down such
12 weapons, the usefulness of such weapons in certain
13 battlefield elements, and then conducted training within the
14 home in terms of how to enter rooms with the weapons and
15 similar techniques.

16 During this time frame, Defendant Jordan was
17 aware and later confessed during his post-arrest interview
18 that -- Mirandized post-arrest interview, that he conducted
19 such training knowing that Defendant Brown intended to travel
20 overseas and engage in violence with these groups. He
21 additionally admitted that he recognized that these groups
22 were designated terrorists, were foreign terrorist
23 organizations designated by the United States.

24 Defendant Jordan sought to obtain a passport and
25 had a passport date scheduled to obtain it. He had --

1 however prior to that occurring, he was arrested.

2 Ultimately, things came to a close on March 19, 2014, when
3 Defendant Brown did in fact attempt to travel from Raleigh-
4 Durham International Airport, his ultimate goal being Syria,
5 and to join a contact that he had made there with the group
6 ISIS. He had discussed this with Jordan prior to his travel,
7 and informed Jordan that he would be traveling, and the
8 overall goal was that Jordan -- or that -- I apologize --
9 that Brown would be able to establish contacts and would then
10 thereby in the future be able to assist Jordan in later
11 traveling as well.

12 THE COURT: So it was Brown that was apprehended
13 at RDU?

14 MR. KELLHOFER: Correct, Your Honor, yes. At
15 the time Defendant Jordan was actually here and in the
16 hospital. I believe that more or less summarizes the
17 evidence, Your Honor. If I didn't already note, that all of
18 the conduct I just described did occur here within the
19 Eastern District.

20 THE COURT: That was my question, where did it
21 happen.

22 MR. KELLHOFER: Yes, most -- each of these
23 events and conversations, Your Honor, occurred in the Raleigh
24 area.

25 THE COURT: Okay. Mr. Hale, do you care to

1 respond to the Government's proffer?

2 MR. HALE: No, Your Honor.

3 THE COURT: Mr. Jordan, sir, did you hear and
4 understand the information that the Prosecutor has just
5 described to The Court?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: And do you dispute any of that
8 information?

9 MR. HALE: Judge, may I be heard as to that?

10 THE COURT: Go ahead.

11 MR. HALE: Some of that may be subject to
12 characterization in different ways, and I don't think that
13 Mr. Jordan would dispute the broad general thrust of what the
14 Government's factual basis is.

15 THE COURT: Does anything Mr. Kellhofer has
16 described to The Court undermine or negate any material
17 element of the offense charged against Mr. Jordan?

18 MR. HALE: No, Your Honor.

19 THE COURT: Okay, alright. The Court is
20 satisfied with the responses given during this hearing and
21 makes the following findings. It is the finding of this
22 court in the case of United States of America versus Akba
23 Jihad Jordan, Case 5:14-cr-58, that Mr. Jordan is fully
24 competent and capable of entering an informed plea. His plea
25 of guilty to the one-count indictment is being made

1 voluntarily. It is supported by an independent factual basis
2 containing each of the essential elements of the offense
3 charged in the indictment. Mr. Jordan's plea to the one-
4 count indictment is therefore accepted and he is hereby
5 judged guilty of the offense charged in the indictment. The
6 Court hereby conditionally approves the plea agreement that
7 the parties have reached in this case. As I indicated
8 earlier, it is anticipated sentencing will be at The Court's
9 January 2015 Term. Defense Counsel is directed to contact
10 Probation before leaving this afternoon, to commence the --
11 to arrange a time to commence preparation of the PSR in this
12 case.

13 Is there anything further regarding Mr. Jordan's
14 case?

15 MR. HALE: No, not from the Defendant, Your
16 Honor.

17 MR. KELLHOFER: Not from the Government, Your
18 Honor.

19 THE COURT: Alright, thank you very much.

20 MR. HALE: Thank you.

21
22 (HEARING CONCLUDED AT 3:15 P.M.)
23
24
25

1
2 STATE OF NORTH CAROLINA)
3) C-E-R-T-I-F-I-C-A-T-I-O-N
4 COUNTY OF BEAUFORT)
5
6

7 I, GAYE H. PAUL, A COURT REPORTER AND NOTARY PUBLIC
8 IN AND FOR THE AFORESAID COUNTY AND STATE, DO HEREBY CERTIFY
9 THAT THE FOREGOING PAGES ARE AN ACCURATE TRANSCRIPT OF THE
10 ARRAIGNMENT HEARING OF UNITED STATES OF AMERICA VS AKBA JIHAD
11 JORDAN, WHICH WAS TAKEN BY ME BY STENOMASK, AND TRANSCRIBED
12 BY ME.

13 I FURTHER CERTIFY THAT I AM NOT FINANCIALLY
14 INTERESTED IN THE OUTCOME OF THIS ACTION, A RELATIVE,
15 EMPLOYEE, ATTORNEY OR COUNSEL OF ANY OF THE PARTIES, NOR A
16 RELATIVE OR EMPLOYEE OF SUCH ATTORNEY OR COUNSEL.

17 THIS THE 16TH DAY OF SEPTEMBER, 2015.

18 NOTARY PUBLIC NUMBER 19951950067.
19
20

21 /S/ GAYE H. PAUL
22 COURT REPORTER AND NOTARY PUBLIC
23 CAROLINA COURT REPORTERS, INC.
24 105 OAKMONT DRIVE, SUITE A
25 GREENVILLE, NC 27858